

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**KATHERINE O'CONNOR (FORMERLY MIROSLAW),
APPELLANT**

vs.

**MICHAEL S. MIROSLAW,
RESPONDENT**

DOCKET NUMBER WD74673

DATE: NOVEMBER 20, 2012

Appeal from:

The Circuit Court of Jackson County, Missouri
The Honorable David M. Byrn, Judge

Appellate Judges:

Division Three: Alok Ahuja, P.J., Victor C. Howard and Cynthia L. Martin, JJ.

Attorneys:

Anita I. Rodarte, for Appellant

Thomas B. Manson, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

KATHERINE O'CONNOR (FORMERLY MIROSLAW), APPELLANT

v.

MICHAEL S. MIROSLAW, RESPONDENT

WD74673

Jackson County, Missouri

Before Division Three: Alok Ahuja, P.J., Victor C. Howard and Cynthia L. Martin, JJ.

Wife appeals the judgment of the trial court entering a dissolution decree. In several points on appeal, she challenges the court's determinations regarding child custody and property division issues.

AFFIRMED IN PART, REVERSED AND REMANDED IN PART.

Division Three holds that (1) because the parenting plan did not assign all custodial time the case must be remanded for a revised plan that does, (2) the trial court did not err in ordering what school the children are to attend because there was evidence that Husband and Wife were unable to agree on the proper school for the children, (3) the court's parenting plan is not erroneous because it gives each parent approximately equal parenting time and allows for the children to have the maximum amount of time possible with their half siblings, and therefore is in the best interests of the children, (4) the court's division of the parties disputed bank account was not erroneous because it was in accordance with the premarital agreement, (5) the court's division of the parties residences, their respective debt and equity, and the related equalization payment was not reversible error because the difference between its division and that under the proper calculation is *de minimis*, and (6) the trial court's valuation of the furniture in Wife's possession at the time of dissolution was not erroneous because it was supported by Husband's credible testimony.

Opinion by: Victor C. Howard, Judge

Date: November 20, 2012

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